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Sherri A. Jayson
Manhattan Office
sjayson@gvlaw.com
646.998.1958

August 18, 2020

By ECF Only

Hon. Mary Kay Vyskocil
United States District Court
Southern District of New York
40 Centre Street, Room 1105
New York, New York 10007

Re: Punter-Spencer v. Irving et al.
Docket No.: 18-cv-1959 (JMF)

Dear Judge Vyskocil:

The parties submit the following joint status report in accord with the Order dated July 28, 2020 (ECF Doc. No. 68) and to request an extension of the time to submit the Joint Pre-Trial Order which is due to be filed on September 26, 2020.

All post deposition discovery is now complete. In addition, though Richard Byrne – our mediator - was initially unavailable until November, due to our two prior mediations with him we were able to secure mediation for September 17, 2020. We have also re-commenced settlement discussions amongst ourselves in an attempt to resolve this case in advance of the mediation or to be in better stead by that date.

The Joint Pre-Trial Order is due to be filed on September 26, 2020. However, I have just tendered my resignation and the firm is in the process of having the file transferred to another attorney. I have been the handling attorney on this matter since its inception. I make this request in order to allow my replacement sufficient time to familiarize his or herself with the file and to work jointly with Mr. Borrero on the joint submission of the proposed trial order.

I note that while this case has had a longer than usual trajectory, it has also presented with some unanticipated circumstances. This case stems from a motor vehicle accident which allegedly resulted in bodily injuries to Plaintiff. Plaintiff claims injuries to her neck, back, left ankle and right wrist. Prior to her deposition, she underwent surgery to her neck, back and wrist. After the completion of much of the initial fact discovery, including the parties' deposition, Plaintiff underwent an additional surgery to her left ankle. In addition to taking two depositions of Plaintiff and the deposition of the defendant, we have also taken two non-party depositions of Manhattan 90 Broad Street, 12th Floor, New York, NY 10004 • New Jersey 3 University Plaza Drive, Suite 402, Hackensack, NJ 07601 Westchester One Bridge Street, Suite 140, Irvington, NY 10533 • Long Island 100 Crossways Park West, Suite 305, Woodbury, NY 11797

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Plaintiff's non-expert medical providers and 6 expert (medical and economic) depositions. There are additional medical and liability experts that have been disclosed but not deposed. The medical records are voluminous.

For these reasons and that the mediation is scheduled for September 17, 2020, I respectfully request that the Court extend the time to submit the Joint Pre-Trial Order (7A of Your Honor's Individual Part Rules) to October 28, 2020. Mr. Borrero consents to this application.

Respectfully,

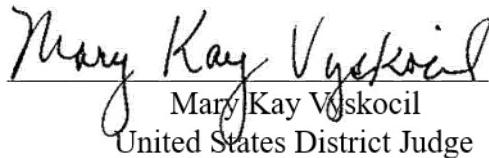

Sherri A. Jayson

cc: Robert Borrero (By ECF Only)

The Parties' request to extend the time to submit the Joint Pre-Trial Order to October 28, 2020, is GRANTED. No further extensions will be granted.

SO ORDERED.

Date: 08/19/2020
New York, New York


Mary Kay Vyskocil
United States District Judge